

REMARKS

In the **final** Office Action mailed July 8, 2010 the Office noted that claims 1-20 were pending and rejected claims 1-20. In this amendment claim 1 has been amended, claims 6 and 16-19 have been canceled, and, thus, in view of the foregoing claims 1-5, 7-15 and 20 remain pending for reconsideration which is requested. No new matter has been added. The Office's rejections and objections are traversed below.

PRIORITY CLAIM

Applicants submit herewith English language translations of NL1025127 and NL1025821 claimed as priority documents. The Applicants believe that the documents should clear up any issues with regards to the applicability of the priority documents in relation to the claims.

INFORMATION DISCLOSURE STATEMENT

The Examiner inquires whether a fee should have been paid when submitting the references cited in the IDS upon filing, wherein copies of the references were not supplied until responding to the first Office Action on the merits. As the Examiner has indicated that she has considered the references and signed the IDS, we believe that no fee is required. However, if the Examiner holds an opposite view, it is requested that she call the undersigned.

REJECTIONS under 35 U.S.C. § 102

Claims 1-20 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Zink, DE 20109056. The Applicants respectfully disagree and traverse the rejection with an argument and amendment.

Applicants have amended claim 1 to include the features of claim 6. The Applicants submit that the amendment of the claim adds no new matter.

The present invention is concerned with a safety device to be connected to a wall and to which a person can secure him/herself via a fall restraint in order to prevent a fall from such a wall. The safety device is particularly very useful on roofs to prevent roof workers from falling from the roof when doing work thereon. Such work often involves making the roof watertight by placing a roof-covering material over the surface of the roof. Such roof-covering material is inherently watertight.

The fastening flap according to amended claim 1 forms part of a roll of roof-covering material. Hence, the safety device of the present invention may be applied to a wall, for example a roof, simultaneously with laying of the roof-covering material over said wall. Thus, the safety device can quickly and easily be arranged on a wall without the need of additional processing steps.

Zink fails to disclose or suggest a fastening flap which forms part of a roll of roof-covering material. Instead, Zink describes a safety device comprising anchoring means (5) which are connected via welded body (6) to a woven mesh net (1). The woven mesh net is not capable of preventing leakage on a roof because of the open mesh structure, and is hence not suitable as roof-covering material. The document by Zink accordingly only discloses that the woven mesh net (1) is applied over a **separate** roof covering present on the roof.

For at least the reasons discussed above, claim 1 and the claims dependent therefrom are not anticipated by Zink.

Withdrawal of the rejections is respectfully requested.

SUMMARY

It is submitted that the claims satisfy the requirements of 35 U.S.C. § 102. It is also submitted that claims 1-5, 7-15 and 20 continue to be allowable. It is further submitted that the claims are not taught, disclosed or suggested by the prior art. The claims are therefore in a condition suitable for allowance. An early Notice of Allowance is requested.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any

overpayment to Deposit Account No. 25-0120 for any additional
fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

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APPENDIX:

The Appendix includes the following item(s)

☒ - English language translations of priority documents

NL1025127 and NL1025821